

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:11-cr-183
	:	3:14-cv-101
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Michael R. Merz
	:	
PAUL DAVID MUSGRAVE,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. 192);
(2) OVERRULING THE GOVERNMENT’S OBJECTIONS (Doc. 193); AND
(3) DENYING THE GOVERNMENT’S MOTION TO DISMISS (Doc. 188)**

This case is before the Court on the Government’s Motion to Dismiss or Hold in Abeyance the Motion to Vacate filed by Defendant Paul David Musgrave (“Musgrave”). (Doc. 188). The Magistrate Judge recommends that the Government’s Motion be denied. (Doc. 192). The Government filed Objections to the conclusions of the Magistrate Judge. (Doc. 193). Musgrave filed a Response to the Government’s Objections. (Doc. 194). The issues are now ripe for decision by the Court.

With regard to the Magistrate Judge’s recommendation that the Government’s Motion to Dismiss be denied, the Court has conducted a *de novo* review as required by 28 U.S.C. § 636(b) and FED. R. CIV. P. 72(b). With regard to the Government’s Objection to the Magistrate Judge’s denial of its request to hold the Motion to Vacate in abeyance, the Court has reviewed the findings of the Magistrate Judge pursuant to FED.

R. Civ. P. 72(a) to determine whether such denial “is clearly erroneous or is contrary to law.”

Upon conducting the foregoing review, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. 192) in its entirety; (2) **OVERRULES** the Government’s Objections (Doc. 193); and (3) **DENIES** the Government’s Motion to Dismiss or Hold in Abeyance (Doc. 188).

IT IS SO ORDERED.

Date: 6/17/14

/s/ Timothy S. Black
Timothy S. Black
United States District Judge